

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

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U.S. DISTRICT COURT  
DISTRICT OF NEBRASKA**RECEIVED**

UNITED STATES DISTRICT COURT

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CLERK  
U.S. DISTRICT COURTfor the  
District of Nebraska

Division

Kandice Louise Cooke

Case No.

8:23cv 249

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Randolph, Nebraska City Council  
The City of Randolph, Nebraska

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

**COMPLAINT FOR A CIVIL CASE****I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Kandice Cooke
Street Address	407 S Main St
City and County	Randolph Cedar County
State and Zip Code	Nebraska, 68771
Telephone Number	507-420-3773
E-mail Address	mekandice@yahoo.com

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

## Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

## Defendant No. 1

Name City of Randolph, Nebraska  
 Job or Title (if known) Mayor Duayne Shutt  
 Street Address 212 E Broadway  
 City and County Randolph Cedar County  
 State and Zip Code Nebraska 68771  
 Telephone Number 402-337-0567  
 E-mail Address (if known) ~~cityadministrator@randolphne.com~~ <sup>hall</sup> ~~cityadministrator~~@randolphne.com

## Defendant No. 2

Name Randolph NE City Council  
 Job or Title (if known) \_\_\_\_\_  
 Street Address 212 Broadway  
 City and County Randolph Cedar County  
 State and Zip Code NEBRASKA 68771  
 Telephone Number 402-337-0567  
 E-mail Address (if known) cityadministrator@randolphne.com

## Defendant No. 3

Name \_\_\_\_\_  
 Job or Title (if known) \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 City and County \_\_\_\_\_  
 State and Zip Code \_\_\_\_\_  
 Telephone Number \_\_\_\_\_  
 E-mail Address (if known) \_\_\_\_\_

## Defendant No. 4

Name \_\_\_\_\_  
 Job or Title (if known) \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 City and County \_\_\_\_\_  
 State and Zip Code \_\_\_\_\_  
 Telephone Number \_\_\_\_\_  
 E-mail Address (if known) \_\_\_\_\_

**II. Basis for Jurisdiction**

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*



Federal question



Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

**A. If the Basis for Jurisdiction Is a Federal Question**

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

Americans with Disability Act

Law of the Land - Freedom as a woman to own property - my emotional support dog

**B. If the Basis for Jurisdiction Is Diversity of Citizenship****1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* \_\_\_\_\_, is a citizen of the  
State of *(name)* \_\_\_\_\_.

**b. If the plaintiff is a corporation**

The plaintiff, *(name)* \_\_\_\_\_, is incorporated  
under the laws of the State of *(name)* \_\_\_\_\_,  
and has its principal place of business in the State of *(name)* \_\_\_\_\_.

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

**2. The Defendant(s)****a. If the defendant is an individual**

The defendant, *(name)* \_\_\_\_\_, is a citizen of  
the State of *(name)* \_\_\_\_\_. Or is a citizen of  
*(foreign nation)* \_\_\_\_\_.

b. If the defendant is a corporation

The defendant, (name) \_\_\_\_\_, is incorporated under the laws of the State of (name) \_\_\_\_\_, and has its principal place of business in the State of (name) \_\_\_\_\_.

Or is incorporated under the laws of (foreign nation) \_\_\_\_\_, and has its principal place of business in (name) \_\_\_\_\_.

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:  
See attached document

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### III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

I was denied reasonable accomodations for my emotional disabilities by the city of Randolph and the City Council denying my right to have an emotional support dog.

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### IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

The right to keep my emotional support dog in the city limits without retaliation  
Emotional trauma, stress, physical trauma caused by stress (see my hand for confirmation), loss of the pursuit of happiness, and loss of freedom from judgement.

**V. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 06/06/2023

Signature of Plaintiff

Printed Name of Plaintiff

Kandice Cooke  
Kandice Cooke

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

Asking for: (I'm including a Cost-of-Living Allowances for inflation over the next 43 years, which I estimate at 3.5%/year)

Time spent on filing cases, research, printing, mailing, etc. \$500/hr x average 5 hrs a day x 75 days (day I was told I couldn't keep my emotional support dog) + cost of living allowance \$282,187.50 = **\$469,687.50**

Medication: Duloxetine: - \$40/bottle for 90-day supply x 3/year x 43 more years of life+ cost of living allowance \$7765.8 = **\$12,925.80**

Wellbutrin: - \$40/bottle for 90-day supply x 3/year x 43 years of life+ cost of living allowance = **\$12,925.80**

Therapy and doctors appts: - average psychology appt is 1 hour/week for 43 years x \$500/hr + cost of living allowance \$1,682,590.00= **\$2,800,590.00**

Time at council meeting, preparing for meeting, printing costs, etc. Council meeting 20 minutes X printing costs (\$20.00) x my fee per minute (My time is precious, and my happiness is worth more than money can buy so I'm putting a very small dollar amount on it) \$2000.00/minute = **\$40,020.00**

DNA testing for my emotional support dog = **\$150.00**

Emotional stress, mental anguish, physical scaring due to emotional trauma, PTSD caused by emotional and mental trauma **\$10,000,000.00**

Total: **\$13,336,299.10**



City of Randolph and the City council  
212 Broadway St  
Randolph, NE 68771

RE: Written complaint

Notice of claim

On April 14, 2023, I went in front of the City Council and asked for "reasonable accommodations" for my disability under the American with Disabilities Act. My complaint was denied, and I was asked to remove my dog. I am now filing a second complaint and giving a second notice to the Randolph, NE city council for denying my right to have an emotional support dog, no matter what breed. Under the Americans with Disability Act, I have the right for "reasonable accommodations", in which the City Council denied by denying my request for an emotional support dog. In fact, the city of Randolph, NE and the Randolph City Council has threatened me with the removal of the only accommodation I have for my disability.

I request the Chief of police, city of Randolph, Ne, and the City Council of Randolph, NE to cease and desist their attempt to remove my emotional support dog. If these attempts to remove my emotional support dog do not stop and I am not allowed to register my dog and live in peace, without retaliation, I will be forced to file a federal civil claim against the city, city council, and chief of police.

You, as a collective, are asking me, a living woman, to remove my dog from my home due strictly to its designated breed.

Article 1 Section 2 of Nebraska's Bill of Rights states:  
Slavery prohibited.

**There shall be neither slavery nor involuntary servitude in this state.**

Source: Neb. Const. art. I, sec. 2 (1875); Amended 2020, Laws 2019, LR1CA, sec. 1.

I am here to put every one of you on notice that by forcing my compliance, you are creating me a slave. A slave to your rules, your wishes, and your desires. I further state that forced compliance is involuntary servitude, which is also against the Nebraska State Bill of Rights.

Going higher yet, the United States Bill of Rights says that I have - quote "... **unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.** end quote.

If you proceed with the forced removal of my dog, you are in direct violation of my unalienable rights. You have removed the life I currently have with Rufus, the liberties I seek to enjoy, and what happiness is there when I can't have a dog of my personal liking to keep me company?

The City Council is not my Master. I am not your slave. I am a woman that only wants to live in peace, in the place of my choosing and without the terroristic threats that have assaulted me from the moment I moved to this town.

**\*\*hold up the paper with your monetary demands for compliance\*\***

I will read it here and now then give each of you a copy, along with your city attorney and the city clerk.

**\*\*\*\*\* Read the claim \*\*\*\*\***

I'll say this one more time, in case you missed it earlier.

Notice

I a woman claim:

I, Kandice Louise Cooke, I am a living woman.



On March 22, 2023, I moved to Randolph, NE. On that day I went to city hall to transfer the city bills into my name, ask for a dumpster, and register and license my dog, Rufus. I didn't have a copy of his rabies vaccination record with me so I went back on the 23<sup>rd</sup>. When I tried to register my dog, the city clerk said there was a 'no vicious' dog rule. I explained that I only registered him with his vet as a pitbull because that's what I thought he was before I got to the vet. I found out he MIGHT have pit bull in him but that he's more boxer than pit. The city clerk said that he felt it was fine to register my dog. The next day an officer showed up at my house and without even looking at Rufus said, "Yep, he's a pit, he has to go." Then he went on explaining how he had gotten rid of six (6) pit bulls so far and that there was a no-kill shelter in Norfolk that isn't too far away, and I can drop him off there in the next 10 days. I said that my dog isn't going anywhere because I've had him for 3 years and then the officer cut me off. Every time I tried explaining something to the officer, he would cut me off and explain to me how many dogs he has already made leave town and that if I wasn't so ignorant, I would've checked the city policy before I bought my house.

Considering I wasn't getting anywhere with the officer, I gave back Rufus's (my dog) license, took the warning ticket, received my check back, said goodbye to a new neighbor, (who stopped over to introduce himself), and went inside.

I then called my counselor who had first approved me for an emotional support animal. He didn't have the original letter but said he would write a new one explaining my situation without violating HIPAA laws. I then went to the ADA emotional support animal website and updated Rufus's address, got a new ESA (emotional support animal) tag, and a new certificate for an emotional support animal.

When my letter from my counselor came, I emailed the city counsel administrator, explained my situation, attached the documents, and asked to speak in front of the counsel and explain why Rufus wasn't going anywhere.

I, incorrectly, assumed he would have said it wasn't necessary because I had all the correct documentation, and that I could come to city hall and pick up my license. BUT that was far from a correct assumption. Not only did I have to go in front of the city council, on April 12, 2023, but I was asked, not once, not twice, but THREE times (by the same woman) what was my disability that I needed a dog. When I said it was for emotional support, they again what service he provided, I again explained he was an emotional support animal. The woman said that wasn't a service and wanted to know why I needed an emotional support animal. I teared up having to explain my very personal diagnosis of suicidal tendencies, 10+ years in sobriety, and major depression issues in front of complete strangers. Not only did they keep asking the same questions and make me say the same diagnosis over and over, but they also questioned my type of dog I had and why him (to which I stated he was a rescue who looked like he was misunderstood and felt like an outcast just like I do now). I explained my anxiety and that it was hard for me to even be there talking about my personal history to strangers, but they kept going on and on. For something I thought was going to be a routine apology and getting my dog registered turned into 15 minutes of unwanted questioning. When they finally stopped the badgering, I was told they would have the executives meet and decide by Friday (48 hours later). During their executive council meeting, they decided my emotional support dog wasn't necessary and he had to go by the 30<sup>th</sup> of April, or they would come to my house, take him from me, impound him, and charge me for boarding him.

Not only was the type of questions rude, but it is also against federal law. They can't ask me what my disability is, why it is, or why I need service. So why did they?

Since, March 23, 2023, I have been upset, anxious, and in a state of panic that I might lose my dog or my house. I have had panic attacks at random times. I feel attacked. I am not sure whether to complete the remodeling I am doing on the house I am buying. My life has been in turmoil ever since I moved here.